

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 UNITES STATES OF AMERICA, )

Case No. 2:14-cr-00287-KJD-CWH

5 Plaintiff, )

6 v. )

7 ANDREW JOHN GIBSON, )

**ORDER**

8 Defendant. )  
9

10 Presently before the Court are pro se Defendant's request for subpoenas for witnesses (ECF  
11 No. 172), and motion to seal (ECF No. 171) filed on April 17, 2017.

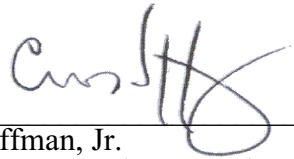
12 Under Federal Rule of Criminal Procedure 17(b), a court must issue a subpoena for a  
13 defendant upon a showing of inability to pay the witness's fees and the necessity of the witness's  
14 presence for an adequate defense. The Court previously determined that Defendant is indigent (ECF  
15 No. 5), and is therefore unable to pay any fees associated with witnesses.

16 However, Defendant has not made any showing that the proposed witnesses are necessary for  
17 an adequate defense. Defendant asserts that his proposed witnesses are "key to disproving the three  
18 factors that the prosecution has to prove," but does not explain what relevant subjects they may  
19 testify about. The Court does not find a showing of necessity for these witnesses at this time.

20 Good cause being shown, the Court will seal Defendant's motion (ECF No. 172).

21 IT IS THEREFORE ORDERED that Defendant's motion for subpoenas for witnesses (ECF  
22 No. 172) is DENIED without prejudice.

23 DATED: April 19, 2017.

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25   
26 C.W. Hoffman, Jr.  
27 United States Magistrate Judge  
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